

RESOLUTION NO: 20-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AUTHORIZING THE FINANCE DIRECTOR TO APPROPRIATE GENERAL FUND, FUND BALANCE ACCOUNT NO. 001-00-399999 IN THE AMOUNT OF \$310,486 FOR LEASE AND MOVING EXPENSES FOR FISCAL YEAR 2004-2005 TO PROVIDE TEMPORARY RELOCATION OF CODE ENFORCEMENT, VICE UNIT, POLICE TRAINING, CRIME PREVENTION, CITIZENS ON PATROL OFFICE AND THE CIVIL DRUG COURT, AND FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE A THREE (3) YEAR LEASE AGREEMENT FOR TEMPORARY OFFICE SPACE; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Hurricane Francis caused the roof to collapse at the Riviera Beach Elementary School Building that housed Code Enforcement, Vice Unit, Police Training, Crime Prevention, Citizens on Patrol Office of the Police Department, and Civil Drug Court; and

**WHEREAS**, employees of the aforementioned departments are currently placed in inadequate areas and temporary space is necessary in order that these operations can function as required while permanent office space is finalized.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA that:**

**Section 1.** The Finance Director is authorized to appropriate General Fund, Fund Balance Account No. 001-00-399999 in the amount of \$310,486 for lease and moving expenses for Fiscal Year 2004-2005 for the purpose of providing temporary relocation for Code Enforcement, Vice Unit, Police Training, Crime Prevention, Citizens on Patrol Office and the Civil Drug Court, as follows:

Revenue:

General Fund Fund Balance	001-00-399999	\$310,486
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Expenditures:

Rent & Lease Buildings	001-0203-519-0-4405	\$181,000
Other Charges-Moving	001-0203-519-0-4906	8,000
Rent & Lease Equipment	001-0203-519-0-4403	1,200
Office Equip & Furniture	001-0203-519-0-6404	54,936
Machinery & Equip Other	001-0203-519-0-6405	<u>65,350</u>

Project Total Cost	\$310,486
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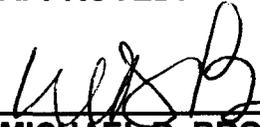
RESOLUTION NO. 20-05

-2-

**Section 2.** That the City Manager is authorized to negotiate a three (3) year lease for temporary office space, said lease to be brought back before the City Council for its approval.

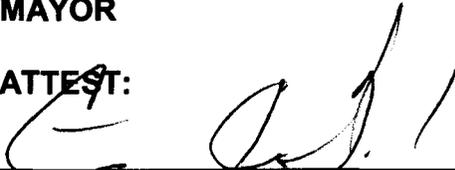
**Section 3.** This Resolution shall take effect upon its passage and approval by the City Council.

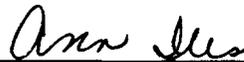
APPROVED:

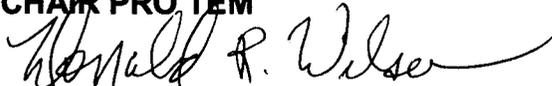
  
MICHAEL D. BROWN  
MAYOR

  
DAVID G. SCHNYER  
CHAIRPERSON

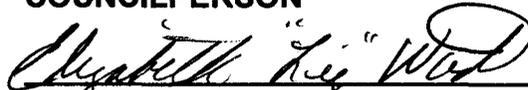
ATTEST:

  
CARRIE E. WARD,  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
ANN ILES  
CHAIR PRO TEM

  
DONALD R. WILSON  
COUNCILPERSON

  
JUDY L. DAVIS  
COUNCILPERSON

  
ELIZABETH "LIZ" WADE  
COUNCILPERSON

MOTIONED BY: D. Wilson

SECONDED BY: E. Wade

D. SCHNYER: aye

A. ILES: aye

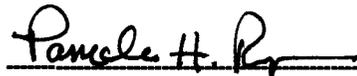
D. WILSON: aye

J. DAVIS: aye

E. WADE: aye

GS:dpm.011805

REVIEWED AS TO LEGAL SUFFICIENCY

  
PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 1/18/05

RESOLUTION NO. 21-05

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE EXPENDITURE OF \$26,080.00 TO PAY FOR SPECIAL RESPONSE TEAM TACTICAL BODY ARMOR FROM THE BULLETPROOF VEST PARTNERSHIP GRANT CLOTHING SUPPLIES ACCOUNT NO. 155-0817-521-0-5209; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Police Department is requesting the purchase of the SRT Tactical Armor to equip the agencies Special Response Team (SRT); and

**WHEREAS**, this added equipment will assist in the reduction of injury and/or death to Riviera Beach Police Officers during high-risk SRT operations; and

**WHEREAS**, this purchase is based on prices set by State of Florida Contract #680-850-03-1.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, THAT:**

**SECTION 1:** Staff is authorized to purchase sixteen (16) sets of Safariland SRT Tactical Armor for the amount of \$26,080.00 from Special Products Group, a provider of Safariland SRT Tactical Armor listed in Florida State Contract #680-850-03-1.

**SECTION 2:** The Finance Director is authorized to pay \$26,080.00 from the Bulletproof Vest Grant Clothing Supplies Account No. 155-0817-521-0-5209.

**SECTION 3:** This Resolution shall take effect upon its passage and approval by the City Council.

**PASSED AND APPROVED THIS 2ND DAY OF FEBRUARY, 2005.**

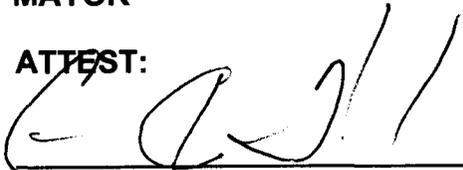
RESOLUTION NO.  
PAGE 2

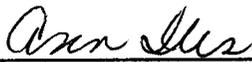
APPROVED:

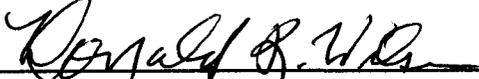
  
\_\_\_\_\_  
MICHAEL D. BROWN  
MAYOR

  
\_\_\_\_\_  
DAVID G. SCHNYER  
CHAIRPERSON

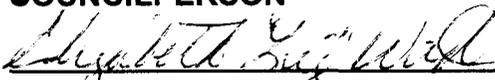
ATTEST:

  
\_\_\_\_\_  
CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
\_\_\_\_\_  
ANN ILES  
CHAIR PRO TEM

  
\_\_\_\_\_  
DONALD R. WILSON  
COUNCILPERSON

  
\_\_\_\_\_  
JUDY W. DAVIS  
COUNCILPERSON

  
\_\_\_\_\_  
ELIZABETH "LIZ" WADE  
COUNCILPERSON

MOTIONED BY: D. Wilson

SECONDED BY: E. Wade

D. SCHNYER: aye

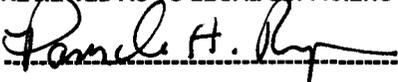
A. ILES: aye

D. WILSON: aye

J. DAVIS: aye

E. WADE: aye

REVIEWED AS TO LEGAL SUFFICIENCY

  
\_\_\_\_\_  
PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 1/14/05

RESOLUTION NO. 22-05

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT FOR A TERM OF THREE YEARS WITH PORT CHESTER LP, FOR FIFTEEN THOUSAND, THREE HUNDRED SIXTY-SEVEN SQUARE FT. (15,367 FT.) OF COMMERCIAL RENTABLE SPACE AT 2051 MARTIN LUTHER KING BOULEVARD ON THE 1ST FLOOR OF THE BUILDING, MORE PARTICULARLY DESCRIBED AS: BIG H & SONS SALES & STORAGE FACILITY ALL OF PLAT (LESS ELY 80 FT & TRGLR COR CONGRESS AVE R/W) FOR A TOTAL COSTS OF \$859,712; AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE SAID LEASE; AND AUTHORIZING FINANCE DIRECTOR TO APPROPRIATE AN ADDITIONAL \$101,415 FOR MOVING, EQUIPMENT REPLACEMENT AND RELOCATION COSTS FROM THE GENERAL FUND BALANCE ACCOUNT NUMBER 001-00-39999; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Hurricane Francis caused the roof to collapse at the Rivera Beach Elementary School Building that housed Code Enforcement, Vice Unit, Police Training, Crime Prevention, Citizens on Patrol office of the Police Department, and Civil Drug Court; and

**WHEREAS**, employees of the aforementioned departments are currently placed in inadequate areas and temporary space is necessary in order that these operations can function as required while permanent office space is finalized; and

**WHEREAS**, Port Chester LP has submitted a three year lease agreement to provide rentable commercial space in the amount of 15,367 square feet to the City at a cost of \$18.10 per square ft., (with 3% annual increase or CPI) for a cost of 278,143 for the first year; prorated for eight months of the FY 2004-2005, \$185,428.00.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, THAT:**

**SECTION 1.** The City Council authorizes the City Manager and City Clerk to sign said lease agreement on behalf of the City.

**SECTION 2.** The Finance Director is authorized to make monthly payments from account # 001-0203-519-0-4405 to Port Chester LP for lease payments as provided for in the lease agreement for FY 2004-2005.

**SECTION 3.** The Finance Director is authorized to appropriate an additional General Fund, Fund Balance Account No. 001-00-39999 in the amount of 101,415 for lease and moving expenses for Fiscal Year 2004-2005 for the purpose of providing temporary relocation for Code Enforcement, Vice Unit, Police Training, Crime Prevention, Citizens on Patrol Office and the Civil Drug Court, as follows:

Expenditures:	Relocation Cost FY04	Previously Approved	Add'l Fund Bal. Request
Rent & Lease Building 001-0203-519-0-4405	\$185,428	181,000	4,428
Other Charges-Moving 001-0203-519-0-4906	\$ 8,000	8,000	-0-
Rent & Lease Equipment 001-0203-519-0-4403	\$ 1,200	1,200	-0-
Office Equip & Furniture 001-0203-519-0-6404	\$106,295	54,936	51,359
Machinery & Equip Other 001-0203-519-0-6405	\$ 110,978	65,350	45,628
	\$411,901	310,486	101,415

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PASSED AND APPROVED this 2 day of February, 2005.

APPROVED:

[Signature]  
MICHAEL D. BROWN  
MAYOR

[Signature]  
DAVID G. SCHNYER  
CHAIRPERSON

[MUNICIPAL SEAL]

[Signature]  
ANN ILES  
CHAIRPERSON PRO-TEM

ATTEST:

[Signature]  
CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
CITY CLERK

[Signature]  
DONALD R. WILSON  
COUNCILPERSON

[Signature]  
ELIZABETH "LIZ" WADE  
COUNCILPERSON

[Signature]  
JUDY DAVIS  
COUNCILPERSON

MOTIONED BY: D. WILSON

SECONDED BY: E. WADE

D. SCHNYER AYE

J. DAVIS AYE

D. WILSON AYE

E. WADE AYE

A. ILES AYE

REVIEWED AS TO LEGAL SUFFICIENCY

[Signature]  
PAMALA H. RYAN, CITY ATTORNEY  
DATE: \_\_\_\_\_

RESOLUTION NO. 23-05

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE USE OF \$10,000 FROM THE LAW ENFORCEMENT TRUST FUND AND \$5,000 OF DONATIONS FROM PALM BEACH PRINCESS CASINO CRUISE LINE TO PROVIDE FIFTEEN \$1,000 SCHOLARSHIPS FOR THE 2005 – 2006 SCHOOL YEAR TO STUDENTS WHO ARE RIVIERA BEACH RESIDENTS; AUTHORIZING THE RIVIERA BEACH EDUCATION ADVISORY BOARD TO ADVERTISE THE AVAILABILITY OF, ACCEPT APPLICATIONS FOR, AND ESTABLISH A REVIEW BOARD TO SELECT THE RECIPIENTS; AUTHORIZING THE FINANCE DIRECTOR TO APPROPRIATE \$10,000 OF FUND BALANCE IN THE LAW ENFORCEMENT TRUST FUND AND DISBURSE FUNDS FROM THE LAW ENFORCEMENT TRUST FUND SCHOLARSHIP ACCOUNT NUMBER 150-0817-5210-5521; AUTHORIZING THE FINANCE DIRECTOR TO APPROPRIATE FUND BALANCE (DONATIONS RECEIVED FROM PALM BEACH PRINCESS) IN THE AMOUNT OF \$5,000 AND DISBURSE FUNDS FROM ACCOUNT NUMBER 130-0203-519-0-5521; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** The City Council supports the ideals of higher education for the youth of Riviera Beach; and

**WHEREAS,** The City Council has demonstrated its support of higher education through the awarding of education scholarships for the past seven (7) years; and

**WHEREAS;** The promotion of higher education is an authorized expenditure of Law Enforcement Trust funding; and

**WHEREAS,** Adequate funding for ten \$1,000 scholarships is available through the Law Enforcement Trust; and

**WHEREAS,** the City has been receiving scholarship funds from Palm Beach Princess Casino Cruise Line in the amount of \$1,000 per month based on their existing contract; and

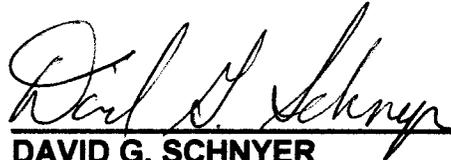
**WHEREAS,** The Riviera Beach Education Advisory Board is willing to and capable of facilitating the selection of worthy recipients.

RESOLUTION NO. 23-05

APPROVED:

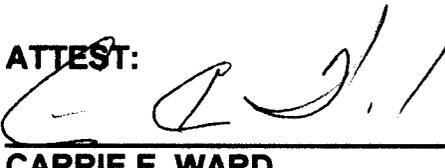
  
\_\_\_\_\_

MICHAEL D. BROWN  
MAYOR

  
\_\_\_\_\_

DAVID G. SCHNYER  
CHAIRPERSON

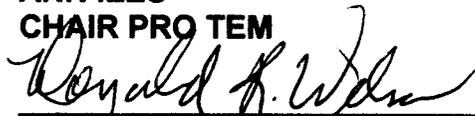
ATTEST:

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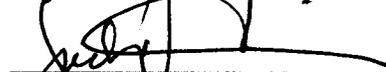
CARRIE E. WARD,  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
\_\_\_\_\_

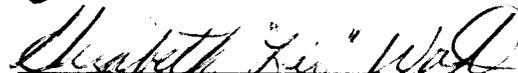
ANN ILES  
CHAIR PRO TEM

  
\_\_\_\_\_

DONALD R. WILSON  
COUNCILPERSON

  
\_\_\_\_\_

JUDY L. DAVIS  
COUNCILPERSON

  
\_\_\_\_\_

ELIZABETH "LIZ" WADE  
COUNCILPERSON

MOTIONED BY: D. WILSON

SECONDED BY: E. WADE

D. SCHNYER: AYE

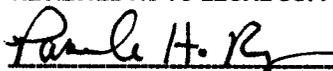
A. ILES: AYE

D. WILSON: AYE

J. DAVIS: AYE

E. WADE: AYE

REVIEWED AS TO LEGAL SUFFICIENCY

  
\_\_\_\_\_

PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 1/28/05

RESOLUTION NO. 24-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE JOB CLASSIFICATION LIST BY CREATING THE UNCLASSIFIED POSITION OF UTILITIES ENGINEER UNDER CLASS TITLE ADMINISTRATION AND DELETING THE UNCLASSIFIED POSITION OF ASSISTANT DIRECTOR, UTILITIES; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the Assistant Director of the Utilities Department will be retiring in March 2005; and

**WHEREAS**, the Utility Special District needs a professional engineer to perform engineering functions consistent with the duties and responsibilities of providing water and wastewater services to the citizens; and

**WHEREAS**, the Utility District and the City will greatly benefit from the engineering skills of an engineer titled Utilities Engineer.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:**

**SECTION 1:** That the Pay and Classification List be amended by adding the following unclassified position as follows.

<u>CLASS TITLE</u>	<u>POSITION</u>	<u>RANGE</u>	<u>SALARY</u>
Administration	Utilities Engineer	22	\$53,499 \$80,249

**SECTION 2:** That the Pay and Classification List be amended by deleting the unclassified position, as follows:

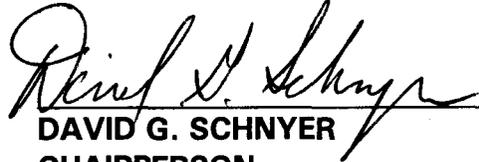
<u>CLASS TITLE</u>	<u>POSITION</u>	<u>RANGE</u>	<u>SALARY</u>
Administration	Assistant Director, Utilities	22	\$53,499 \$80,249

**SECTION 3:** That Section 2 of this Resolution shall be effective March 11, 2005; in all other aspects, this Resolution shall be effective upon its passage and approval by City Council.

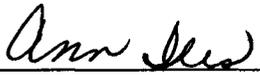
**PASSED AND APPROVED** this 2nd day of February, 2005.

APPROVED:

  
MICHAEL D. BROWN, MAYOR

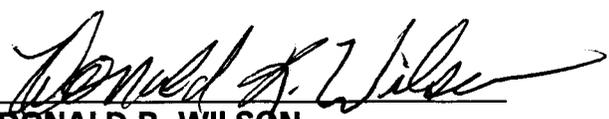
  
DAVID G. SCHNYER  
CHAIRPERSON

(MUNICIPAL SEAL)

  
ANN ILES  
CHAIR PRO TEM

ATTEST

  
CARRIE E. WARD,  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
DONALD R. WILSON  
COUNCILPERSON

  
JUDY L. DAVIS  
COUNCILPERSON

  
ELIZABETH "LIZ" WADE  
COUNCILPERSON

MOTIONED BY: J. Davis

SECONDED BY: E. Wade

D. SCHNYER: aye

A. ILES: aye

D. WILSON: aye

J. DAVIS: aye

E. WADE: aye

REVIEWED AS TO LEGAL SUFFICIENCY

PAMALA HANNA RYAN, CITY ATTORNEY

DATE: \_\_\_\_\_

RESOLUTION NO. 25-05

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA; AUTHORIZING THE USE OF \$61,415 FROM THE CAPITAL IMPACT FEE FUND (303) TO FINANCE IMPROVEMENTS FOR THE REVITALIZATION OF GOODMARK COMMUNITY PARK; ESTABLISHING A BUDGET AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council has approved an inter-local agreement with Palm Beach County with respect to the revitalization of Goodmark Park in the amount of \$253,500; and

**WHEREAS**, the City Council approved the use and appropriation of \$49,4000 from the General Fund, Fund Balance to finance vital park enhancements not endorsed by the County; and

**WHEREAS**, additional funding in the amount of \$61,415 is needed to adequately fund the revitalization of the park and to provide for a project contingency; and

**WHEREAS**, sufficient funds are available in the Parks and Recreation Capital Impact Fees Fund (303) and the proposed park improvements are an allowable expenditure under the existing Capital Impact Fee ordinance; and

**WHEREAS**, the appropriation of funds will allow for the completion of the revitalization of Goodmark Park and will be a significant step forward in the Council's ongoing effort to improve the quality of life for City residents through investment in parks and recreational facilities; and

**NOW, THEREFORE,, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, THAT:**

**SECTION 1.** The City Council authorizes the use of \$61,415 from the Capital Impact Fee Fund (303) to finance improvements to Goodmark Community Park and provide a project contingency.

**SECTION 2.** The Finance Director is authorized to establish appropriate the funds in the Capital Impact Fund as follows:

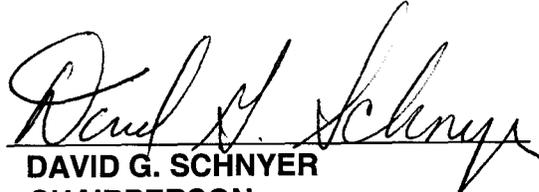
Revenue:		
Impact Fees: Parks & Recreation	\$61,415	303-00-363272
Expenditure:		
Improvements other than building	\$44,415.....	303-1234-572-0-6351
Contingency	\$17,000	303-1234-572-0-5999

**SECTION 3.** This Resolution shall take effect upon its passage and approval by the City Council.

PASSED AND APPROVED this 2 day of February, 2005

APPROVED:

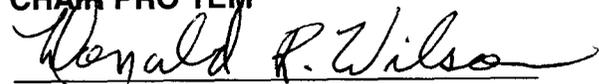
  
MICHAEL D. BROWN  
MAYOR

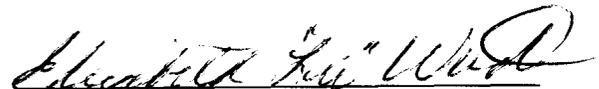
  
DAVID G. SCHNYER  
CHAIRPERSON

ATTEST:

  
CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
ANN ILES  
CHAIR PRO TEM

  
DONALD R. WILSON  
COUNCILPERSON

  
ELIZABETH "LIZ" WADE  
COUNCILPERSON

  
JUDY L. DAVIS  
COUNCILPERSON

MOTIONED BY: D. WILSON

SECONDED BY: E. WADE

D. SCHNYER AYE

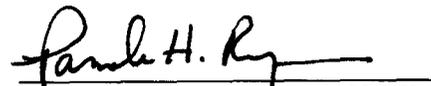
A. ILES AYE

D. WILSON AYE

E. WADE AYE

J. DAVIS AYE

REVIEWED AS TO LEGAL SUFFICIENCY

  
PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 1/27/05

RESOLUTION NO. 26-05

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED BID NO. 09804 AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE PROPOSED CONSTRUCTION SERVICES CONTRACT WITH WEST CONSTRUCTION INC., OF LANTANA, FLORIDA FOR IMPROVEMENTS TO GOODMARK COMMUNITY PARK IN THE AMOUNT OF \$233,097; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Riviera Beach, Palm Beach County, Florida, does hereby accept the Purchasing Department's recommendation and approves the construction services contract for improvements to be completed by West Construction, Inc., for the revitalization of Goodmark Community Park in the amount of \$233,097;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA THAT:**

**SECTION 1.** The City Council hereby accepts the bid and awards a construction services contract to West Construction, Inc., in the amount of \$233,097 for improvements to Goodmark Community Park; and authorizes the Mayor and City Clerk to execute same.

**SECTION 2.** The Mayor and Finance Director are authorized to make payment from the appropriate accounts.

**SECTION 3.** The City Manager shall have authority to approve change orders in an amount not to exceed 5% of the contract award.

**SECTION 4.** This Resolution shall take effect upon its passage and approval by the City Council.

RESOLUTION NO. 26-05

PAGE 2.

PASSED AND APPROVED this 2 day of February 2005

APPROVED:

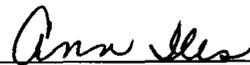
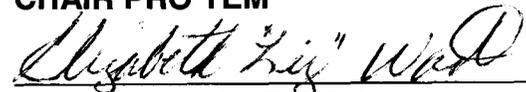
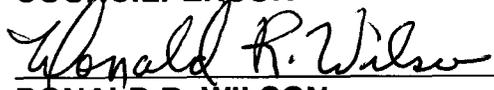


MICHAEL D. BROWN  
MAYOR



DAVID G. SCHNYER  
CHAIRPERSON

ATTEST:

  
CARRIE E. WARD,  
MASTER MUNICIPAL CLERK  
CITY CLERK  
ANN ILES  
CHAIR PRO TEM  
ELIZABETH "LIZ" WADE  
COUNCILPERSON  
DONALD R. WILSON  
COUNCIL PERSON  
JUDY L. DAVIS  
COUNCILPERSON

MOTIONED BY: D. WILSON

SECONDED BY: J. DAVIS

D. SCHNYER: AYE

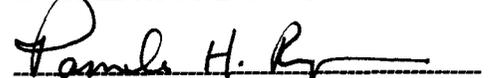
A. ILES: AYE

E. WADE: AYE

D. WILSON: AYE

J DAVIS: AYE

REVIEWED AS TO LEGAL SUFFICIENCY

  
PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 1/27/05

**RESOLUTION NO. 27-05**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH CONTRACT CONNECTION INC. OF HOLLYWOOD FLORIDA, FOR THE PURCHASE OF A RECREATIONAL SHELTER/PAVILION TO BE CONSTRUCTED AS PART OF THE REVITALIZATION OF GOODMARK COMMUNITY PARK BY PIGGYBACKING FROM PALM BEACH COUNTY BID #02-053 AT TOTALCOST OF \$31,246.20; PAYMENT TO BE MADE FROM CAPITAL IMPROVEMENT FUND ACCOUNT NUMBER 153-1234-572-0-6351; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Riviera Beach, Palm Beach County, Florida, does hereby accept the Purchasing Department's recommendation and approves the piggyback agreement for the purchase and installation of a recreational shelter/pavilion for Goodmark Community Park; and

**WHEREAS**, the City Council authorizes the Mayor and Finance Director to make payment from Capital Improvement Fund account #153-1234-572-0-6351.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA THAT:**

**SECTION 1.** The Mayor and City Clerk are authorized to execute the piggyback agreement with Contract Connection for the purchase and installation of a recreational shelter/pavilion to be constructed at Goodmark Community Park at a total cost of \$31,246.20.

**SECTION 2.** The Mayor and Finance Director are authorized to make payment from the Capital Improvements- Other than Bldg. Account No. 153-1234-572-0-6351.

**SECTION 3.** This Resolution shall take effect upon its passage and approval by the City Council.

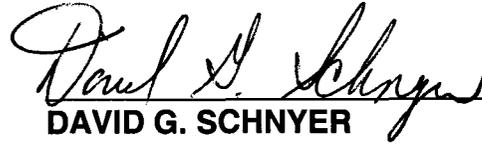
**PASSED AND APPROVED this 2ND day of FEBRUARY, 2005**

RESOLUTION NO. 27-05  
PAGE 2.

PASSED AND APPROVED this 2nd day of February 2005

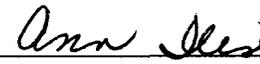
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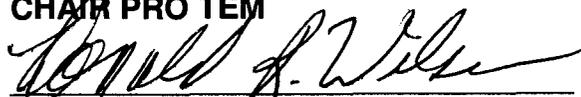
  
\_\_\_\_\_  
MICHAEL D. BROWN  
MAYOR

  
\_\_\_\_\_  
DAVID G. SCHNYER  
CHAIRPERSON

ATTEST:

  
\_\_\_\_\_  
CARRIE E. WARD,  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
\_\_\_\_\_  
ANN ILES  
CHAIR PRO TEM

  
\_\_\_\_\_  
DONNARD R. WILSON  
COUNCILPERSON

  
\_\_\_\_\_  
ELIZABETH "LIZ" WADE  
COUNCILPERSON

  
\_\_\_\_\_  
JUDY L. DAVIS  
COUNCILPERSON

MOTIONED BY: D. Wilson

SECONDED BY: E. Wade

D. SCHNYER: aye

A. ILES: aye

D. WILSON: aye

E. WADE: aye

J. DAVIS: aye

REVIEWED AS TO LEGAL SUFFICIENCY

\_\_\_\_\_  
PAMALA HANNA RYAN, CITY ATTORNEY

DATE: \_\_\_\_\_

RESOLUTION NO. 28-05

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN APPLICATION FROM PRISCILLA PICCIOLO, OWNER OF RUSTY'S OCEANSIDE GRILL FOR AN EXTENDED HOURS LICENSE TO REMAIN OPEN UNTIL 4:00 A.M. SEVEN DAYS A WEEK FOR PROPERTY LOCATED AT 2401 BEACH COURT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 3-6 (b) of the City of Riviera Beach Code of Ordinances establishes that any person, vendor or any place of business operating as a restaurant bar, hotel or motel bar, nightclub or show club in the City and duly and regularly licensed by the State to sell and dispense alcoholic beverages, wine or beer therein may apply for an extended hours license; and

**WHEREAS**, Section 3-6 (b) (1) of the City of Riviera Beach Code of Ordinances lists specific criteria for City Council consideration in making the decision to grant or deny a license; and

**WHEREAS**, Section 3-6 (b) (1) requires that the City Council consider the following criteria:

- a) The amount of off-street parking in relation to demands created by the extra hours of operation; and
- b) The amount and degree of law enforcement activities generated by the operation of any bar, restaurant bar, hotel or motel bar, nightclub or show club, both outside and inside the particular location, with particular emphasis on the vandalism, noise, vehicular use by patrons and illegal activity of any kind by employees, patrons or others associated with the establishment; and
- c) The adverse effects, if any, that the extended hours of operation will have on neighboring properties; and
- d) The establishment does not disturb the peace and quiet of the surrounding neighborhood; and

**WHEREAS**, the City Council may grant or deny such extended hours license; and

**WHEREAS**, such licenses shall expire on October 1<sup>st</sup> of each and every year; and

**WHEREAS**, the applicant must apply for an extended hours license by September 1<sup>st</sup> of each year; and

**WHEREAS**, the owner of Rusty's Oceanside Grill is requesting approval for an Extended Hours License for her establishment located at 2401 Beach Court; and

**WHEREAS**, Staff conducted an analysis of a Police Log Report of complaint calls generated from this business within a twelve-month period, as well as a review of the criteria listed in Section 3-6 (b) (1) of the City's Code of Ordinances, and finds no negative evidence to deny the application for the extended hours license.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:**

**SECTION 1.** That the City Council approves a six month extended hours license for Rusty's Oceanside Grill located at 2401 Beach Court. On or before August 31, 2005, the City Council shall review the license to determine if an additional six months should be granted.

**SECTION 2.** That the City Council has considered the following criteria listed in Section 3-6 (b) (1) of the City of Riviera Beach Code of Ordinances in granting the extended hours license, and finds that the applicant has satisfied the criteria.

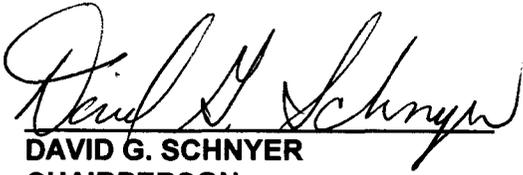
**SECTION 3.** This Resolution shall take effect upon its passage and approval by the City Council.

PASSED and APPROVED this 2 day of February, 2005.

**\*\*\*\*\*THE REMAINING PAGE IS LEFT BLANK INTENTIONALLY\*\*\*\*\***

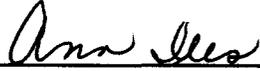
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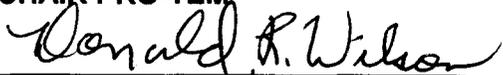
  
MICHAEL D. BROWN  
MAYOR

  
DAVID G. SCHNYER  
CHAIRPERSON

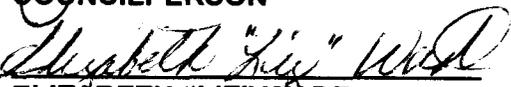
ATTEST:

  
CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
ANN ILES  
CHAIR PRO-TEM

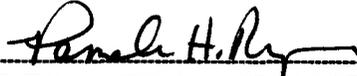
  
DONALD R. WILSON  
COUNCILPERSON

  
JUDY L. DAVIS  
COUNCILPERSON

  
ELIZABETH "LIZ" WADE  
COUNCILPERSON

MOTIONED BY: J. DAVIS  
SECONDED BY: D. WILSON

REVIEWED AS TO LEGAL SUFFICIENCY

  
PAMALA HANNA RYAN, CITY ATTORNEY

D. SCHNYER: AYE  
A. ILES: AYE  
D. WILSON: AYE  
J. DAVIS: AYE  
E. WADE: NAY

DATE: 1/26/05

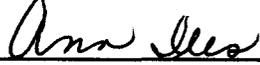
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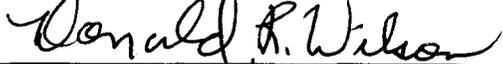
  
MICHAEL D. BROWN  
MAYOR

  
DAVID G. SCHNYER  
CHAIRPERSON

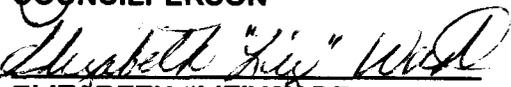
ATTEST:

  
CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
ANN ILES  
CHAIR PRO-TEM

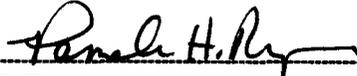
  
DONALD R. WILSON  
COUNCILPERSON

  
JUDY L. DAVIS  
COUNCILPERSON

  
ELIZABETH "LIZ" WADE  
COUNCILPERSON

MOTIONED BY: J. DAVIS  
SECONDED BY: D. WILSON

REVIEWED AS TO LEGAL SUFFICIENCY

  
PAMALA HANNA RYAN, CITY ATTORNEY

D. SCHNYER: AYE  
A. ILES: AYE  
D. WILSON: AYE  
J. DAVIS: AYE  
E. WADE: NAY

DATE: 1/26/05

**WHEREAS**, the owner of Rusty's Oceanside Grill is requesting approval for an Extended Hours License for her establishment located at 2401 Beach Court; and

**WHEREAS**, Staff conducted an analysis of a Police Log Report of complaint calls generated from this business within a twelve-month period, as well as a review of the criteria listed in Section 3-6 (b) (1) of the City's Code of Ordinances, and finds no negative evidence to deny the application for the extended hours license.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:**

**SECTION 1.** That the City Council approves a six month extended hours license for Rusty's Oceanside Grill located at 2401 Beach Court. On or before August 31, 2005, the City Council shall review the license to determine if an additional six months should be granted.

**SECTION 2.** That the City Council has considered the following criteria listed in Section 3-6 (b) (1) of the City of Riviera Beach Code of Ordinances in granting the extended hours license, and finds that the applicant has satisfied the criteria.

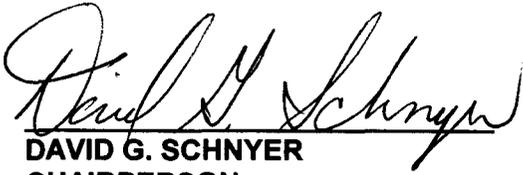
**SECTION 3.** This Resolution shall take effect upon its passage and approval by the City Council.

PASSED and APPROVED this 2 day of February, 2005.

\*\*\*\*\*THE REMAINING PAGE IS LEFT BLANK INTENTIONALLY\*\*\*\*\*

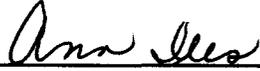
APPROVED:

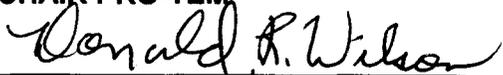
  
MICHAEL D. BROWN  
MAYOR

  
DAVID G. SCHNYER  
CHAIRPERSON

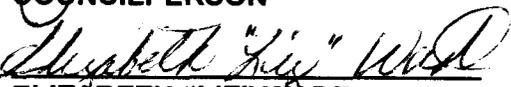
ATTEST:

  
CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
ANN ILES  
CHAIR PRO-TEM

  
DONALD R. WILSON  
COUNCILPERSON

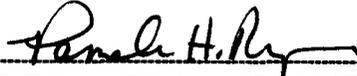
  
JUDY L. DAVIS  
COUNCILPERSON

  
ELIZABETH "LIZ" WADE  
COUNCILPERSON

MOTIONED BY: J. DAVIS  
SECONDED BY: D. WILSON

D. SCHNYER: AYE  
A. ILES: AYE  
D. WILSON: AYE  
J. DAVIS: AYE  
E. WADE: NAY

REVIEWED AS TO LEGAL SUFFICIENCY

  
PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 1/26/05

RESOLUTION NO. 29-05

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REQUESTING AUTHORIZATION TO APPROPRIATE FUND BALANCE IN THE HOUSING TRUST FUND IN THE AMOUNT OF \$230,000 AND AUTHORIZATION TO TRANSFER FUNDS FROM THE HOUSING TRUST FUND ESCROW ACCOUNT IN THE AMOUNT OF \$525,000, AND DIRECTING THE FINANCE DIRECTOR TO AMEND THE BUDGET IN THE HOUSING TRUST FUND IN THE AMOUNT OF \$755,000 FOR VARIOUS PROGRAMS IN THAT FUND; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Riviera Beach has a Housing Trust Fund which was established to assist first time homebuyers to purchase homes within the City of Riviera Beach; and

**WHEREAS**, through the Minority Employment and Affordable Housing Opportunity Plan (MEAHOP) density bonuses were granted to developers in which they could contribute to the Housing Trust Fund. The funds that have been collected by the City from developers in FY 2005-06 amount to \$525,000.00; and

**WHEREAS**, additional contributions have been made to the Housing Trust Fund from the sale of the former Waste Management site located on Congress Avenue which amounts to \$230,000.00; and

**WHEREAS**, the City's housing program has evolved into a Housing Assistance Program; and

**WHEREAS**, the City Council of the City of Riviera Beach is desirous to fund various services under the City's housing assistance program through the Housing Trust Fund and needs to establish a budget to appropriate such funds and their funding levels.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:**

**SECTION 1.** That the Housing Trust Fund is hereby established and the Finance Director is authorized to appropriate Fund Balance in the Housing Trust Fund in the amount of \$230,000 and the Finance Director is authorized to transfer funds from the Housing Trust Fund escrow account in the amount of \$535,000 for the purpose of amending the budget in the amount of \$755,000 for various programs in the Housing Trust Fund as follows:

**REVENUE**

609-00-399999	FUND BALANCE	\$230,000
609-00-366932	MEAHOP CONTRIBUTIONS	<u>\$525,000</u>
	Total	\$755,000

**EXPENDITURES**

**INFILL HOUSING PROGRAM**

609-0717-554-0-3106	Professional Services – Legal	\$ 25,000
609-0717-554-0-3406	Contract Service – Surveys	
	Title Searches, Appraisals	\$ 25,000
609-0717-554-0-4603	Maintenance – Grounds	\$ 10,000
609-0717-554-0-4617	Building Demolition	\$ 65,000
609-0717-554-0-4906	Equipment, Supplies, Software	\$ 25,000
609-0717-554-0-6101	Land Acquisition	\$425,000
	sub total	\$575,000

**HOUSING REHABILITATION ASSISTANCE PROGRAM**

609-0717-554-1-3406	Contract Services - inspections	\$ 10,000
609-0717-554-1-4602	Maintenance – Buildings	\$ 55,000
609-0717-554-1-8205	Rent/Mortgage Assistance	\$ 10,000
	sub total	\$ 75,000

**NEIGHBORHOOD IMPROVEMENT PROGRAM**

609-0717-554-2-4603	Maintenance – Grounds	\$ 10,000
609-0717-554-2-4602	Maintenance – Buildings	\$ 40,000
	sub total	\$ 50,000

**EMERGENCY DISASTER RELIEF PROGRAM**

609-0717-554-3-4603	Maintenance – Grounds	\$ 5,000
609-0717-554-3-4602	Maintenance – Buildings	\$ 50,000
	sub total	\$ 55,000

Grand Total \$755,000

**SECTION 2.** That this Resolution shall take effect upon its passage.

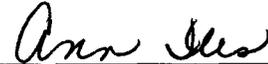
PASSED AND APPROVED this 2 day of February, 2005

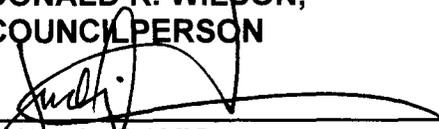
APPROVED:

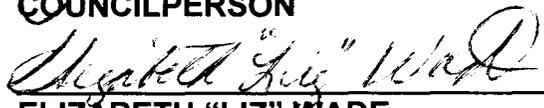
  
MICHAEL D. BROWN,  
MAYOR

  
DAVID G. SCHNYER,  
CHAIRPERSON

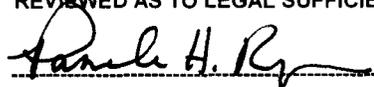
ATTEST:   
GARRIE E. WARD,  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
ANN ILES,  
CHAIR PRO TEM  
  
DONALD R. WILSON,  
COUNCILPERSON

  
JUDY L. DAVIS,  
COUNCILPERSON

  
ELIZABETH "LIZ" WADE,  
COUNCILPERSON

MOTIONED BY: E. WADE  
SECONDED BY: J. DAVIS  
D. SCHNYER: OUT  
A. ILES: AYE  
D. WILSON: AYE  
J. DAVIS: AYE  
E. WADE: AYE

REVIEWED AS TO LEGAL SUFFICIENCY  
  
PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 1/26/05

RESOLUTION NO. 30-05

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, DIRECTING THE CITY MANAGER TO FILE AN APPEAL FOR A JUDICIAL REVIEW OF THE ZONING BOARD OF ADJUSTMENT JANUARY 18, 2005 DETERMINATION TO GRANT A 60 FOOT HEIGHT VARIANCE FOR FOUR 110 FOOT SILOS TO BE CONSTRUCTED WITHIN THE PORT OF PALM BEACH TO THE CIMENTO TUPI FLORIDA, LLC; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 31-40, of the City of Riviera Beach Code of Ordinances establishes the operating procedures for Variance Review by the Zoning Board of Adjustment; and

**WHEREAS**, on August 6, 2004 the City of Riviera Beach received an application from Cimento Tupi Florida, LLC for a variance requesting a 60 foot height variance on property owned by the Port of Palm Beach; and

**WHEREAS**, the Port of Palm Beach lies within the municipal boundaries of the City of Riviera Beach; and

**WHEREAS**, the properties located within the Port of Palm Beach are all zoned General Industrial (IG) and all structures are limited to 50 feet in height; and

**WHEREAS**, the City of Riviera Beach and the Port of Palm Beach have an Interlocal Agreement on planning, zoning, and building issues relating to development within the Port of Palm Beach; and

**WHEREAS**, City staff met with the Port of Palm Beach and its prospective tenant, Cimento Tupi Florida, LLC, to discuss the parameters of the proposed development and its impact on the existing residential development and the City's Redevelopment Plan; and

**WHEREAS**, the Port of Palm Beach's prospective tenant, Cimento Tupi Florida, LLC, decided to proceed with their variance request for four 110 foot silos resulting in a 60 foot height variance request before the Zoning Board of Adjustment; and

**WHEREAS**, the Zoning Board of Adjustment met on January 18, 2005, to review the variance application and granted the 60 foot height variance to Cimento Tupi Florida, LLC for the construction of four 110 foot silos in the Port of Palm Beach; and

**WHEREAS**, Section 31-40, of the City of Riviera Beach Code of Ordinances

establishes the process for appeals against Zoning Board of Adjustment determinations.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:**

**SECTION 1.** The City Council of the City of Riviera Beach, Palm Beach County, Florida directs the City Manager to appeal an order of the Zoning Board of Adjustment granting a 60 foot height variance to Cimento Tupi Florida, LLC based on, among other things, the following:

1. The structures proposed by the applicant are inconsistent and incompatible with the Comprehensive Plan.
2. The structures proposed by the applicant are inconsistent with the general intent and purpose of the General Industrial (IG) zoning district outlined in the City's land development code.
3. The structures proposed by the applicant are incompatible with the surrounding existing development.
4. The proposed structures are not in harmony with the City's redevelopment plan, which has assigned a Commercial and Residential land use to the properties just west of the subject property with maximum heights of 25 feet.
5. The determination made by the Zoning Board of Adjustment does not meet the criteria established in the City of Riviera Beach Code of Ordinances Section 31-39 as follows:
  - (1) Specific criteria for approving variances. In order to authorize any variance under the terms of this ordinance, the board must find all of the following specific criteria.
    - a. Existence of special conditions or circumstances. *That a special condition or circumstance exists which is peculiar to the lands, structures, or building involved in the application.*

The maximum height restriction in the General Industrial (IG) zoning district is 50 feet. The structures proposed by the applicant are peculiar in that they exceed the maximum height restriction by 60 feet. There are similar structures located in the IG district that meet the height restrictions stated in the code. For example, the Liquid Asphalt Company silos, just to the east of the proposed site in the Port, are not higher than 50 feet. The 2.13 acre property meets the minimum property size requirement of the IG zoning district. There are no other special conditions or circumstances that are peculiar to the lands, structures, or buildings involved in the application.

- b. Conditions not created by applicant. That the special conditions or circumstances did not result from the actions or inaction(s) of the applicant.

The applicant has requested variances for four 110 foot silos and a conveyor system, which exceeds the maximum height permitted in the General Industrial (IG) zoning district by 60 feet.

- c. Special privileges not conferred. That granting the variance requested will not confer on the applicant any special privilege that is denied to other lands, building or structures.

Granting the variance will confer special privileges to the applicant that are denied to other properties in similar zones. Properties with similar structures have been developed meeting the 50 foot height restriction.

- d. Hardship conditions exist. That literal enforcement of the provisions of the ordinance would work unnecessary and undue hardship on the applicant, and would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of existing ordinances.

The applicant has not proven that a hardship exists. The purpose of requesting the variance is so the applicant can construct structures that do not meet code requirement. There have been no instances, subsequent to the existing zoning code, where silos have been permitted that exceed the 50 foot height restriction. The existing code does not unduly burden the applicant or deprive the applicant of using the said property. The property is large enough that the applicant could construct shorter wider silos that would have the same dimensions. There is no hardship due to the fact that similar uses have been developed on other properties in the same zoning district within the City. Throughout the Port of Palm Beach and in other IG zoning districts in the City, there exist silos that meet the 50 foot height restriction.

(2) Supplementary criteria for determining variances.

- a. Minimum variance only to be granted. That variance granted shall be the minimum variance that will make possible the requested use of land, building, or structure.

The applicant is requesting a 110 foot height limit in lieu of the 50 foot maximum height restriction for properties in the General Industrial (IG) zoning district, resulting in a 60 foot variance. The applicant has not provided information that states that the request for the variance is the minimum needed.

- b. Variances to lot minimum requirements. Where a lot area, lot width or lot depth variance is applied for, no such variance may be granted provided

*vacant land is available, adjacent to the lot in question, sufficient to make the variance unnecessary. However, where the acquisition of such property would cause the adjacent property or structures to become nonconforming, then the acquisition option is invalid. The applicant for such variances shall provide an affidavit with the application for variance stating that the above-mentioned conditions exist with respect to the acquisition of additional property.*

The applicant is not requesting a minimum lot variance. Therefore, this criterion does not apply.

- c. Not injurious to public welfare or intent of ordinance. *The grant of the variance shall be in harmony with the general intent and purpose of the comprehensive plan and the land development code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

The structures proposed by the applicant are inconsistent with the general intent and purpose of the General Industrial (IG) zoning district outlined in the City's land development code. The Future Land Use designation of Port, which permits uses related to the Port of Palm Beach cruise and cargo ships, has been assigned to the site for the proposed structures. The proposed structures are not in harmony with the City's redevelopment plan, which has assigned a Commercial and Residential land use to the properties just west of the subject property with maximum heights of 25 feet. The view of the proposed structures would be injurious to the surrounding properties and would not be in harmony with the adjoining neighborhoods because of their height. The variance, if granted, would also be injurious and not harmonious because of the noise from the external conveyor system, which would extend above the proposed silos including the dust that will be emitted from the cement storage to surrounding properties. These issues will be injurious to the area involved and otherwise be detrimental to the public welfare. In addition, the applicant has not made clear the environmental impacts that will be the result of this variance.

6. There was no evidence presented by the applicant that hardship conditions exist, which deprived the applicant of any rights enjoyed by similar properties in the General Industrial (IG) zoning district.

**SECTION 2.** This Resolution shall take effect immediately upon approval.

PASSED and APPROVED this 2 day of February, 2005.

APPROVED:

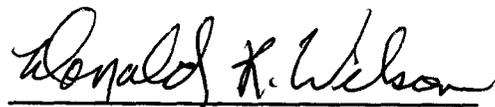
  
\_\_\_\_\_  
MICHAEL D. BROWN  
MAYOR

  
\_\_\_\_\_  
DAVID G. SCHNYER  
CHAIRPERSON

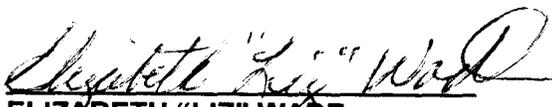
ATTEST:

  
\_\_\_\_\_  
CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
\_\_\_\_\_  
ANN ILES  
CHAIR PRO-TEM

  
\_\_\_\_\_  
DONALD R. WILSON  
COUNCILPERSON

  
\_\_\_\_\_  
JUDY L. DAVIS  
COUNCILPERSON

  
\_\_\_\_\_  
ELIZABETH "LIZ" WADE  
COUNCILPERSON

MOTIONED BY: J. DAVIS  
SECONDED BY: A. ILES

D. SCHNYER: AYE  
A. ILES: AYE  
D. WILSON: AYE  
J. DAVIS: AYE  
E. WADE: NAY

REVIEWED AS TO LEGAL SUFFICIENCY

  
\_\_\_\_\_  
PAMALA HANNA RYAN, CITY ATTORNEY

1/26/05  
\_\_\_\_\_  
DATE

RESOLUTION NO. 31-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING AN EVALUATION TOOL FOR THE CITY MANAGER AND PROVIDING THAT EACH COUNCILPERSON EVALUATE THE CITY MANAGER AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Riviera Beach entered into an employment contract with William E. Wilkins, City Manager on November 6, 2002; and

WHEREAS, the City Council desires to implement an evaluation of the City Manager in accordance with Section 15 of the employment contract; and

WHEREAS, the City Council at its regular meeting on January 19, 2005, approved an evaluation tool to be used for the evaluation; and

WHEREAS, the City Council desires each councilperson to participate in the City Manager's evaluation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA as follows:

SECTION 1. That the attached performance appraisal tool be the instrument utilized to evaluate the City Manager.

SECTION 2. That each councilperson must evaluate the City Manager utilizing the approved evaluation instrument.

SECTION 3. This Resolution shall take effect upon its passage and adoption by the City Council.

PASSED AND APPROVED this 2nd day of February, 2005.

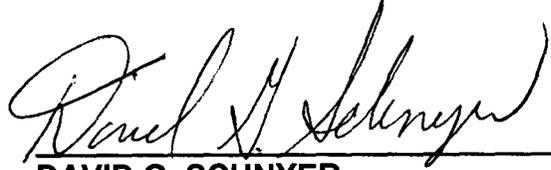
RESOLUTION NO. 31-05

-2-

APPROVED:

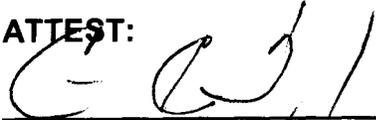


**MICHAEL D. BROWN**  
MAYOR



**DAVID G. SCHNYER**  
CHAIRPERSON

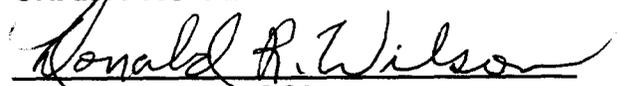
ATTEST:



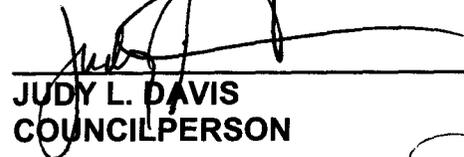
**CARRIE E. WARD**  
MASTER MUNICIPAL CLERK  
CITY CLERK



**ANN ILES**  
CHAIR PRO TEM



**DONALD R. WILSON**  
COUNCILPERSON



**JUDY L. DAVIS**  
COUNCILPERSON



**ELIZABETH "LIZ" WADE**  
COUNCILPERSON

MOTIONED BY: E. WADE

SECONDED BY: D. WILSON

D. SCHNYER: AYE

A. ILES: AYE

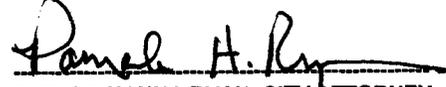
D. WILSON: AYE

J. DAVIS: AYE

E. WADE: AYE

WEW:dpm.020105

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 01/05

RESOLUTION NO. 32-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN ADVERTISEMENT TO REQUEST ENGINEERING CONSULTING FIRMS TO PREPARE PROPOSALS TO DEVELOP A STORMWATER MASTER PLAN FOR THE CITY OF RIVIERA BEACH; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City is in need of major drainage improvements; and

**WHEREAS**, engineering firms can develop and complete a comprehensive SMP.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:**

**SECTION 1.** City Council authorizes the Public Works Department to advertise for consulting engineering firms to develop proposals to complete a comprehensive SMP.

**SECTION 2.** This Resolution shall take effect upon its passage and approval by the City Council.

**PASSED and APPROVED** this 17 day of February, 2005.

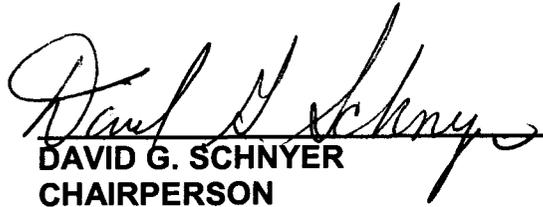
RESOLUTION NO. 32-05

PAGE 2

APPROVED:



MICHAEL D. BROWN  
MAYOR



DAVID G. SCHNYER  
CHAIRPERSON

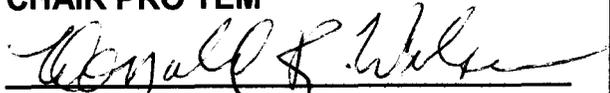
ATTEST:



CARRIE E. WARD,  
MASTER MUNICIPAL CLERK  
CITY CLERK



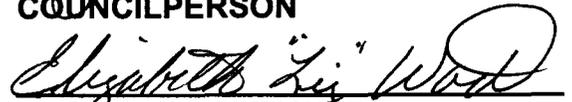
ANN ILES  
CHAIR PRO TEM



DONALD R. WILSON  
COUNCILPERSON



JUDY L. DAVIS  
COUNCILPERSON



ELIZABETH "LIZ" WADE  
COUNCILPERSON

MOTIONED BY: D. Wilson

SECONDED BY: E. Wade

D. SCHNYER: aye

A. ILES: absent

D. WILSON: aye

J. DAVIS: aye

E. WADE: aye

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 2/9/05

RESOLUTION NO. 33-05

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED BID NO. 09604 AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE PROPOSED MATERIALS AND SERVICES CONTRACT WITH MULLINGS ENGINEERING SERVICES LLC. OF LAKE WORTH, FLORIDA FOR THE PURCHASE AND INSTALLATION OF METAL FENCING AT GOODMARK COMMUNITY PARK IN THE AMOUNT OF \$18,779.50; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, in accordance with the provisions of the City's Procurement Ordinance (2412), invitations to bid were publicly solicited for the purchase and installation of metal fencing for Goodmark Park; and

**WHEREAS**, the City received three offers ranging from \$18,759.50 to \$46,600.00 and the firm of Mullings Engineering Services, LLC. was determined to be the low responsive and responsible bidder satisfying the qualifications, terms and conditions of the bid.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA THAT:**

**SECTION 1.** The City Council hereby accepts the bid and awards a Materials and Services Contract to Mullings Engineering Services, LLC. of Lake Worth, Florida in the amount of \$18,779.50 for the purchase and installation of metal fencing at Goodmark Community Park; and authorizes the Mayor and City Clerk to execute same.

**SECTION 2.** The Mayor and Finance Director are authorized to make payment from the Capital Improvements-Other than Bldg. Account No. 153-1234-572-0-6351.

**SECTION 3.** The City Manager shall have authority to approve change orders in an amount not to exceed 5% of the contract award.

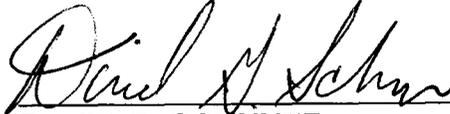
**SECTION 4.** This Resolution shall take effect upon its passage and approval by the City Council.

RESOLUTION NO. 33-05  
PAGE 2.

PASSED AND APPROVED this 17 day of February 2005

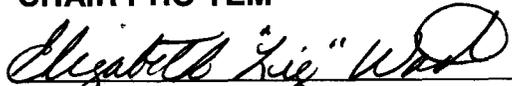
APPROVED:

  
MICHAEL D. BROWN  
MAYOR

  
DAVID G. SCHNYER  
CHAIRPERSON

ATTEST:   
CARRIE E. WARD,  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
ANN ILES  
CHAIR PRO TEM

  
ELIZABETH "LIZ" WADE  
COUNCILPERSON

  
DONALD R. WILSON  
COUNCILPERSON

  
JUDY L. DAVIS  
COUNCILPERSON

MOTIONED BY: D. Wilson

SECONDED BY: E. Wade

D. SCHNYER: aye

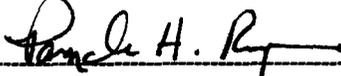
A. ILES: absent

E. WADE: aye

D. WILSON: aye

J DAVIS: aye

REVIEWED AS TO LEGAL SUFFICIENCY

  
PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 2/10/05

RESOLUTION NO. 34-05

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED BID NO. 09704 AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE PROPOSED MATERIALS AND SERVICES CONTRACT WITH CHRIS WAYNE AND ASSOCIATES OF JUPITER, FLORIDA FOR INSTALLATION OF AN IRRIGATION SYSTEM AND LANDSCAPE MATERIALS AT GOODMARK COMMUNITY PARK IN THE AMOUNT OF \$46,200; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, in accordance with the provisions of the City's Procurement Ordinance (2412), invitations to bid were publicly solicited for the installation of an irrigation system and landscape materials for Goodmark Park; and

**WHEREAS**, the City received three offers ranging from \$45,246.95 to \$58,946.00 and the firm of Chris Wayne & Associates was determined to be the low responsive and responsible bidder satisfying the qualifications, terms and conditions of the bid.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA THAT:**

**SECTION 1.** The City Council hereby accepts the bid and awards a Materials and Services Contract to Chris Wayne & Associates Inc. of Jupiter Florida in the amount of \$46,200 for an irrigation system and landscape materials for Goodmark Community Park; and authorizes the Mayor and City Clerk to execute same.

**SECTION 2.** The Mayor and Finance Director are authorized to make payment from the Capital Improvements-Other than Bldg. Account No. 303-1234-572-0-6351.

**SECTION 3.** The City Manager shall have authority to approve change orders in an amount not to exceed 5% of the contract award.

**SECTION 4.** This Resolution shall take effect upon its passage and approval by the City Council.

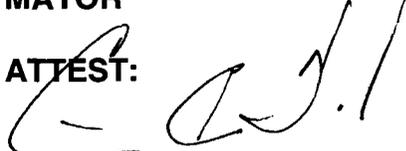
RESOLUTION NO. 34-05  
PAGE 2.

PASSED AND APPROVED this 17 day of February 2005

APPROVED:

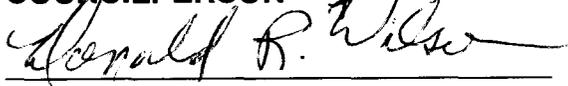
  
MICHAEL D. BROWN  
MAYOR

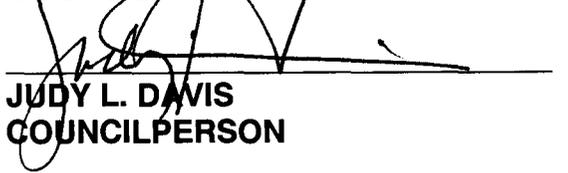
  
DAVID G. SCHNYER  
CHAIRPERSON

ATTEST:   
CARRIE E. WARD,  
MASTER MUNICIPAL CLERK  
CITY CLERK

Absent  
ANN ILES  
CHAIR PRO TEM

  
ELIZABETH "LIZ" WADE  
COUNCILPERSON

  
DONALD R. WILSON  
COUNCILPERSON

  
JUDY L. DAVIS  
COUNCILPERSON

MOTIONED BY: D. Wilson

SECONDED BY: E. Wade

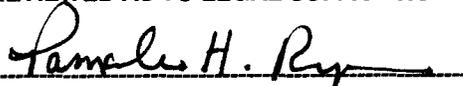
D. SCHNYER: aye

A. ILES: absent

E. WADE: aye

D. WILSON: aye

J DAVIS: aye

REVIEWED AS TO LEGAL SUFFICIENCY  
  
PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 2/10/05

RESOLUTION NO. 35-05

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING THE GRANT FUNDS FROM THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT – STATE HOMELAND SECURITY GRANT PROGRAM IN THE AMOUNT OF \$10,869.00; AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Department of Law Enforcement has established a State Homeland Security Grant (SHS) Program; and

**WHEREAS**, the City of Riviera Beach has been awarded funds in the amount of \$10,869.00; and

**WHEREAS**, these funds will be used for the purchase of an EOD Bomb Dog and equipment for the Port of Palm Beach.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:**

**SECTION 1:** That the City Council accepts the Grant Funds on behalf of the City, and approves the Mayor's execution of the Certificate of Acceptance of Sub-grant Award.

**SECTION 2:** The Finance Director is authorized to set the budget and make payment for same as follows:

<b><u>Revenue</u></b>	142-00-331218	\$10,869.00
<b><u>Expenditure</u></b>		
Oper/Supplies – Gen.	142-0822-521-0-5201	\$ 1,624.00
Capital	142-0822-521-0-6405	<u>\$ 9,245.00</u>
<b>Total</b>		<b>\$10,869.00</b>

**SECTION 3:** This Resolution shall take effect immediately upon its passage and approval by the City Council.

RESOLUTION NO. 35-05

PAGE 2

PASSED AND APPROVED THIS 16TH DAY OF FEBRUARY, 2005.

APPROVED:

  
\_\_\_\_\_  
MICHAEL D. BROWN  
MAYOR

  
\_\_\_\_\_  
DAVID G. SCHNYER  
CHAIRPERSON

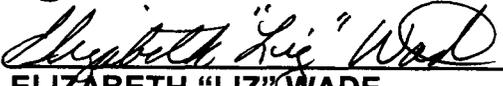
ATTEST:

  
\_\_\_\_\_  
CARRIE E. WARD,  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
\_\_\_\_\_  
ANN ILES  
CHAIR PRO TEM

  
\_\_\_\_\_  
DONALD R. WILSON  
COUNCILPERSON

  
\_\_\_\_\_  
JUDY L. DAVIS  
COUNCILPERSON

  
\_\_\_\_\_  
ELIZABETH "LIZ" WADE  
COUNCILPERSON

MOTIONED BY: D. Wilson

SECONDED BY: E. Wade

D. SCHNYER: aye

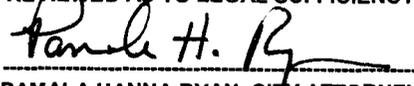
A. ILES: absent

D. WILSON: aye

J. DAVIS: aye

E. WADE: aye

REVIEWED AS TO LEGAL SUFFICIENCY

  
\_\_\_\_\_  
PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 2/10/05

RESOLUTION NO. 36-05

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE SITE PLAN APPLICATION FOR 17 PERMANENT RESIDENTIAL UNITS LOCATED AT 386 EAST BLUE HERON BOULEVARD WITH SPECIFIC CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 31-57, of the City of Riviera Beach Code of Ordinances establishes the requirements for Site Plan review by the City Council; and

**WHEREAS**, the City Council finds that the proposed site plan is consistent with the adopted City of Riviera Beach Comprehensive Plan and the adopted Community Redevelopment Plan; and

**WHEREAS**, the Planning & Zoning Board met on January 27, 2005, to review the site plan application and made a recommendation to the City Council for approval of the site plan application; and

**WHEREAS**, the Community Redevelopment Board met on February 9, 2005, to review the site plan application and made a recommendation to approve the Site Plan application to City Council, finding that the site plan is in compliance with the redevelopment plan; and

**WHEREAS**, the City Council has considered the application; the evidence submitted by the applicant and staff's recommendation.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:**

**SECTION 1.** The Site Plan (Exhibit A) for 17 permanent residential units is approved with the following conditions:

1. The developer shall provide the City with construction plans for the landscape improvements that extend underneath the bridge and a \$25,000 dollar contribution to the Blue Heron Beautification fund, to assist with the installation of those improvements within 180 days of approval. (August 16, 2005)
2. Construction must be initiated within 18 months of the effective date of this resolution in accordance with Section 31-60(a), of the City Code of Ordinances.

RESOLUTION NO. 36-05  
PAGE 2

3. All future advertising must state that the development is in the City of Riviera Beach. A fine of \$250 per day will be levied against the property owner for violation of this condition.

**SECTION 2.** This Resolution shall act as the final order which is not required to be recorded in the public records of Palm Beach County.

**SECTION 3.** This Resolution shall take effect immediately upon approval.

PASSED and APPROVED this 17 day of February, 2005.

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RESOLUTION NO. 36-05  
PAGE No. 3

APPROVED:



MICHAEL D. BROWN  
MAYOR



DAVID G. SCHNYER  
CHAIRPERSON

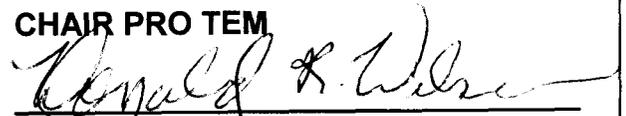
ATTEST:



CARRIE E. WARD,  
MASTER MUNICIPAL CLERK  
CITY CLERK

*Absent*

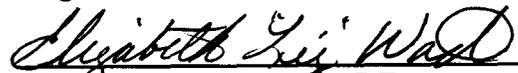
ANN ILES  
CHAIR PRO TEM



DONALD R. WILSON  
COUNCILPERSON



JUDY L. DAVIS  
COUNCILPERSON



ELIZABETH "LIZ" WADE  
COUNCILPERSON

MOTIONED BY: J. DAVIS

SECONDED BY: D. WILSON

D. SCHNYER: AYE

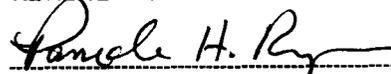
A. ILES: ABSENT

D. WILSON: AYE

J. DAVIS: AYE

E. WADE: AYE

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 2/9/05

RESOLUTION NO. 37-05

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE SITE PLAN APPLICATION FROM 84 LUMBER COMPANY, FOR A LUMBERYARD AND BUILDING MATERIALS WHOLESALE FACILITY LOCATED ON THE WEST SIDE OF CONGRESS AVENUE SOUTH OF 8<sup>TH</sup> STREET AND THE SEABOARD COASTLINE RAILROAD WITH CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 31-57, of the City of Riviera Beach Code of Ordinances establishes the requirements for Site Plan review by the City Council; and

**WHEREAS**, the Planning & Zoning Board met on January 27, 2005, to review the site plan application and made a recommendation to the City Council for approval of the Site Plan application from 84 Lumber Company; and

**WHEREAS**, the City Council finds that the proposed site plan is consistent with the adopted City of Riviera Beach Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:**

**SECTION 1.** The Site Plan (Exhibit A) for a lumberyard and building materials wholesale facility with the following conditions:

1. The applicant, 84 Lumber, will provide a \$30,000 contribution to the City's District 3 Neighborhood Improvement Fund to assist in the beautification of the surrounding area.
2. All future advertising must state that the development is in the City of Riviera Beach. A fine of \$250 per day will be levied against the property owner for violation of this condition.
3. Construction must be initiated within 18 months of receiving City Council Approval.
4. Landscaping bond for 110% of the value of landscaping and irrigation shall be required before certificate of occupancy is issued.

**SECTION 2.** This Resolution shall act as the final order which is not required to be recorded in the public records of Palm Beach County.

**SECTION 3.** This Resolution shall take effect immediately upon approval.

PASSED and APPROVED this 17 day of February, 2005.

\*\*\*THE REMAINING SECTION OF THIS PAGE IS LEFT BLANK INTENTIONALLY\*\*\*

APPROVED:



MICHAEL D. BROWN  
MAYOR



DAVID G. SCHNYER  
CHAIRPERSON

ATTEST:



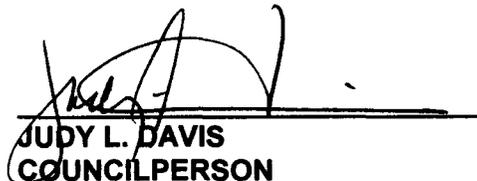
CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
CITY CLERK



ANN ILES  
CHAIR PRO-TEM



DONALD R. WILSON  
COUNCILPERSON



JUDY L. DAVIS  
COUNCILPERSON



ELIZABETH "LIZ" WADE  
COUNCILPERSON

MOTIONED BY: D. WILSON

SECONDED BY: J. DAVIS

D. SCHNYER: AYE

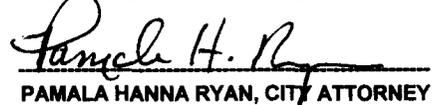
A. ILES: ABSENT

D. WILSON: AYE

J. DAVIS: AYE

E. WADE: AYE

REVIEWED AS TO LEGAL SUFFICIENCY

  
PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 2/9/05

RESOLUTION NO. 38-05

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REQUESTING THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) DELETE THE SR AIA IMPROVEMENT PROJECT FROM THEIR CURRENT WORK PLAN AND CONSIDER ENTERING INTO A JOINT PARTICIPATION AGREEMENT (JPA) WITH THE CITY OF RIVIERA BEACH FOR IMPROVEMENTS TO SR AIA; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Riviera Beach is desirous of beautifying SR AIA on Singer Island; and

**WHEREAS**, the FDOT has a resurfacing project scheduled for SR AIA to begin in March, 2005; and

**WHEREAS**, the FDOT plan does not include enhancements, such as lush landscaping, benches, decorative lighting, and decorative pavers; and

**WHEREAS**, the FDOT has indicated that they would consider entering into a JPA with the City of Riviera Beach for the improvements to SR AIA; and

**WHEREAS**, entering into a JPA with the FDOT would allow the City additional time to obtain funding for the desired enhancements to SR AIA.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:**

**Section 1.** That the City Council request that the FDOT consider entering into a JPA with the City of Riviera Beach for improvements to SR AIA.

**Section 2.** This resolution shall take effect immediately upon its approval.

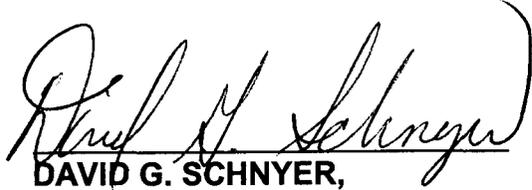
**PASSED and APPROVED this 17 day of February, 2005.**

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APPROVED:



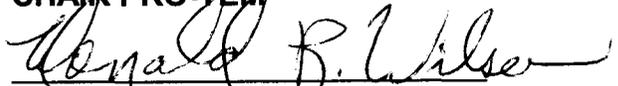
MICHAEL D. BROWN,  
MAYOR



DAVID G. SCHNYER,  
CHAIRPERSON



ANN ILES,  
CHAIR PRO-TEM



DONALD R. WILSON,  
COUNCILPERSON

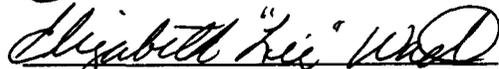
ATTEST:



CARRIE E. WARD,  
MASTER MUNICIPAL CLERK  
CITY CLERK



JUDY L. DAVIS,  
COUNCILPERSON



ELIZABETH "LIZ" WADE,  
COUNCILPERSON

Motioned By: J. DAVIS

Seconded By: D. WILSON

D. Schnyer	<u>AYE</u>
A. Iles	<u>ABSENT</u>
D. Wilson	<u>AYE</u>
J. Davis	<u>AYE</u>
E. Wade	<u>AYE</u>

Reviewed as to Legal Sufficiency

\_\_\_\_\_  
PAMALA HANNA RYAN, CITY ATTORNEY

Date: \_\_\_\_\_